UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,952	03/31/2004	Stephen R. Lawrence	24207-10094	8369

62296 7590 09/10/2007 GOOGLE / FENWICK SILICON VALLEY CENTER 801 CALIFORNIA ST. MOUNTAIN VIEW, CA 94041	**EXAMINER** VERDI, KIMBLEANN C

ART UNIT	PAPER NUMBER
2194	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/814,952	LAWRENCE ET AL.
	Examiner	Art Unit	
	KimbleAnn Verdi	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>31 March 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-36</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-36</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>31 March 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>October 18, 2004</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

This office action is in response to the Application filed on March 31, 2004. Claims 1-36

are pending in the current application.

Specification

1.   The use of the trademark VISUAL BASIC™, JAVA™, JAVASCRIPT™, PERL™,

and PYTHON™ has been noted in this application. It should be capitalized wherever it

appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the

proprietary nature of the marks should be respected and every effort made to prevent

their use in any manner which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 4 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

4.   Claims 4 and 22 recite the limitation "the plurality of terms" in line 1. There is

insufficient antecedent basis for this limitation in the claim. For purposes of examination

"the plurality of terms" is interpreted as part of the First Index as indicated in claim 35.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6.   Claim 1-6, 15-18, 19-24, 31-34, and 36 are rejected under 35 U.S.C. 102(b) as

being anticipated by United States Patent 6,006,222 to Culliss.

7.   As to claim 1, Culliss teaches a method comprising:

providing a first index on a first machine (col. 13, lines 12-15), wherein the first

index is associated with at least one event (e.g. search query from user, col. 3, lines 56-

67 and col. 4, lines 10-12), the event comprising machine activity associated with an

article (col. 3, lines 61-64); and

associating the event with a second index on a second machine (e.g. forward

search query to search engine, col. 13, lines 12-21).

8.   As to claim 2, Culliss teaches the method of claim 1, wherein one or more of the

first machine and the second machine is a client device (col. 12, lines 44-50 and col. 13,

lines 12-15).

9.   As to claim 3, Culliss teaches the method of claim 1, wherein one or more of the

first machine and the second machine is a server device (col. 12, lines 44-50 and col.

13, lines 12-15).

10.   As to claim 4, the method of claim 1, wherein the plurality of terms is associated

with a plurality of events Ids (col. 3, lines 61-67 and col. 4, lines 1-25), the plurality of

event IDs associated with a plurality of events (col. 4, lines 1-25).

11.   As to claim 5, the method of claim 1, wherein the plurality of events is stored in a

queue (col. 13, lines 50-53).

12.   As to claim 6, the method of claim 1, wherein the plurality of events is stored in a

database (col. 13, lines 50-53).

13.   As to claim 15, Culliss teaches the method of claim 1, wherein the first index is

located on a client computer and the second index is located on a network server (col.

12, lines 44-50 and col. 13, lines 12-15).

14.   As to claim 16, Culliss teaches the method of claim 1, wherein the first index is

located on a first client computer and the second index is located on a second client

computer (col. 12, lines 44-50 and col. 13, lines 12-15).

15.   As to claim 17, Culliss teaches the method of claim 1, wherein the indexes are

encrypted (col. 3, lines 56-60).

16.   As to claim 18, Culliss teaches the method of claim 1, wherein at least one of the

indexes is searchable over a network (col. 12, lines 44-50 and col. 13, lines 12-15).

17.   As to claims 19-24, these claims are rejected for the same reasons as claims 1-6

respectively, see the rejections to claims 1-6 above.

18.   As to claims 31-34, these claims are rejected for the same reasons as claims 15-

18 respectively, see the rejections to claims 15-18 above.

19.   As to claim 36, this claim is rejected for the same reasons as claim 1, see the

rejection to claim 1 above.

Claim Rejections - 35 USC § 103

20.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

21.   Claims 7-14 and 25-30 are rejected under 35 U.S.C. 103(a) as being

unpatentable over United States Patent 6,006,222 to Culliss in view of United States

Patent Application Publication 2002/0049608 A1 to Hartsell et al. (hereinafter Hartsell).

22.   As to claim 7, Culliss does not teach monitoring system resources prior to

sending the plurality of events to a second machine.

However Hartsell teaches monitoring system resources prior to sending the

plurality of events (e.g. content data) to a second machine (paragraph [0188]).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified the networked computer system of Culliss with the

teachings of content delivery system from Hartsell because this feature would have

provided a mechanism to solve unpredictability, delivery latencies, capacity planning,

and other problems associated with general application serving in a computer network

environment, for example, in the delivery of streaming media, data and/or services

(paragraph [0009] of Hartsell).

23.   As to claim 8, Culliss as modified teaches the method of claim 7, wherein

monitoring system resources comprises monitoring available memory on the first

machine (paragraph [0194] of Hartsell).

24.   As to claim 9, Culliss as modified teaches the method of claim 7, wherein

monitoring system resources comprises monitoring available memory on the second

machine (e.g. by monitoring agent on second machine, paragraph [0194]).

25.   As to claim 10, Culliss as modified teaches the method of claim 7, wherein

monitoring system resources comprises monitoring bandwidth, network latency, jitter, or

cost (paragraph [0095]).

26.   As to claim 11, Culliss as modified teaches the method of claim 7, wherein

monitoring system resources comprises monitoring server activity (paragraphs [0191]-

[0192]).

27.   As to claim 12, Culliss as modified teaches the method of claim 7, wherein

monitoring system resources comprises monitoring client activity (paragraphs [0191]-

[0192]).

28.   As to claim 13, Culliss as modified teaches the method of claim 7, wherein

events are held in a queue (e.g. not accepting requests) when system resources are

below a threshold value (paragraph [0196]).

29.   As to claim 14, Culliss as modified teaches the method of claim 7, wherein

events are not accepted by the system when system resources are below a threshold

value (paragraphs [0195]-[0196]).

30.   As to claims 25-29, these claims are rejected for the same reasons as claims 7-

11 respectively, see the rejections to claims 7-11 above.

31.   As to claim 30, this claim is rejected for the same reasons as claim 13, see the

rejection to claim 13 above.

32.   Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over United

States Patent 6,006,222 to Culliss in view of United States Patent Application

Publication 2005/0033803 A1 to Vleet et al. (hereinafter Vleet).

33.   As to claim 35, Culliss teaches the invention substantially as claimed including a

method comprising:

     capturing an event, the event comprising event data (e.g. search query from

user, col. 3, lines 56-67 and col. 4, lines 10-12);

     associating an event ID with the event (col. 4, lines 1-25);

     providing a first index (col. 13, lines 12-15), the first index comprising a plurality

of terms associated with a plurality of events (col. 3, lines 61-67 and col. 4, lines 1-25);

     associating the event ID with each of the terms in the first index that comprise the

event (col. 3, lines 61-67 and col. 4, lines 1-25);

     storing the event in a first database (col. 13, lines 50-53);

     retrieving the event (col. 12, lines 50-51);

     sending the event to a second client (col. 12, lines 50-51);

     receiving the event as a new event (col. 12, lines 64-67), the new event

comprising event data (col. 12, lines 65-67 and col. 13, lines 5-11);

associating a new event ID with the new event (col. 3, lines 61-67 and col. 4,

lines 1-25);

providing a second index (col. 13, lines 12-15), the second index comprising a

plurality of terms associated with a plurality of events (col. 3, lines 61-67 and col. 4,

lines 1-25);

associating the new event ID with terms in the second index that comprise the

new event (col. 3, lines 61-67 and col. 4, lines 1-25);

wherein the second index and the second database are substantially the same

as the first index and the first repository (col. 13, lines 9-35).

Culliss does not explicitly teach storing the new event in a second repository.

However Vleet teaches storing the new event in a second repository (paragraph

[0054]).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified the search engine server of Culliss with the

teachings of a event history server from Vleet because this feature would have

provided an event history server system that persistently stores event data descriptive

of events that occur during browsing sessions of web site users (paragraph [0007] of

Vleet).

Conclusion

34.   The prior art made of record on the accompanying PTO-892 and not relied upon,

is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KimbleAnn Verdi whose telephone number is (571) 270-1654. The examiner can normally be reached on Monday-Friday 7:30am-5:00pm EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KV
August 18, 2007

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER